

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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B. RUBEN DEWAYNE,)
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Plaintiff,)
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v.) C.A. No. 16-092 S
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WACHOVIA MORTGAGE, FSB, et al.,)
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Defendants.)
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ORDER

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Lincoln D. Almond filed a Report and Recommendation (R&R) on December 29, 2016 (ECF No. 23), recommending that the Court grant Defendants' Motion to Dismiss Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for lack of standing to assert his claims. Plaintiff filed an objection to the R&R on January 24, 2017. (ECF No. 24.)

Defendants filed a Motion to Strike Plaintiff's objection on the basis that it was not timely filed and pursuant to Rule 12(f) of the Federal Court Rules of Civil Procedure for including matter that is both immaterial and impertinent. (ECF No. 25.) As Defendants argue, this Court strictly adheres to the fourteen-day period during which a litigant may file an

objection to a Report and Recommendation. See LR Cv 72(c)(1) ("Failure to file specific objections . . . constitute[s] waiver of the right to review by the district judge and the right to appeal the Court's decision."); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986). Plaintiff filed his objection to the R&R twelve days after the end of the objection period. The objection is therefore waived. Defendants' Motion to Strike (ECF No. 25) is GRANTED.

After carefully reviewing Defendants' Motion to Dismiss and the R&R, this Court ACCEPTS the R&R (ECF No. 23) in its entirety. Defendants' Motion to Dismiss (ECF No. 19) is GRANTED and Plaintiff's Complaint is dismissed with prejudice as to all Defendants.

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: March 8, 2017